

**78B-6-1604 Collection of civil penalty.**

- (1) A local entity shall mail a notice of the civil penalty amount for which an individual is liable by first-class or certified mail within 14 days of the day after which a citation is issued under Section 78B-6-1603. The notice shall contain the following information:
  - (a) the name of the one or more individuals being held liable for the payment of the civil penalty;
  - (b) the address of the location where the underage drinking gathering occurs;
  - (c) the date and time of the response;
  - (d) the name of an emergency service provider who responds to the underage drinking gathering; and
  - (e) an itemized list of the response costs for which the one or more individuals are liable.
- (2)
  - (a) An individual liable under Section 78B-6-1603 shall remit payment of a civil penalty to the local entity that provides the notice required by Subsection (1) within 90 days of the date on which the notice is sent.
  - (b) Notwithstanding Subsection (2)(a), a local entity may:
    - (i) reduce the amount of a civil penalty; or
    - (ii) negotiate a payment schedule for a civil penalty.
- (3)
  - (a) A civil penalty imposed under this section may be appealed as provided in Section 78B-6-1606.
  - (b) Notwithstanding Subsection (4), the payment of a civil payment is stayed upon an appeal made pursuant to Section 78B-6-1606.
- (4)
  - (a) The amount of a civil penalty owed under this part is considered a debt owed to the local entity by the individual held liable under this part for an underage drinking gathering.
  - (b) After the notice required by Subsection (1), an individual owing a civil penalty is liable in a civil action brought in the name of the local entity for recovery of:
    - (i) the civil penalty; and
    - (ii) reasonable attorney fees.

Enacted by Chapter 187, 2009 General Session